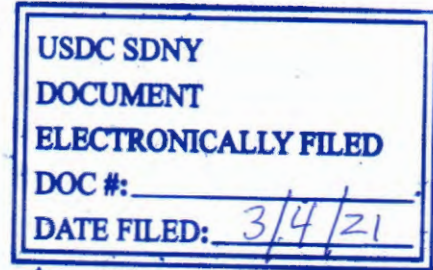


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

-against-

98 CR 290-05 (CM)

ANGEL LUIS LUGO,

Defendant.

DECISION AND ORDER DENYING DEFENDANT'S MOTION BROUGHT UNDER
18 U.S.C. § 3582(c)(1)(B) FOR A REDUCTION IN SENTENCE PURSUANT
TO SECTION 404 OF THE FIRST STEP ACT OF 2018 AND
THE FAIR SENTENCING ACT OF 2010

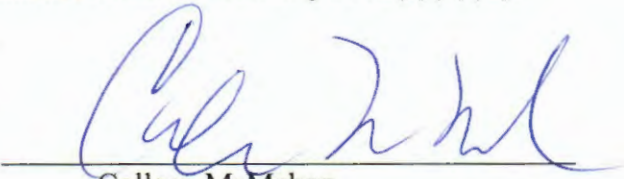
McMahon, C.J.:

On August 3, 2000, the Angel Luis Lugo was convicted following a jury trial of one count of conspiracy to murder in aid of racketeering, in violation of 18 U.S.C. § 1959(a)(5) ("Count One"); and one count of murder in aid of racketeering, in violation of 18 U.S.C. § 1959(a)(1) and (2) ("Count Two"). On December 14, 2000, Lugo was sentenced to life in prison on Count Two, and ten years' imprisonment on Count One.

Lugo moves pursuant to 18 U.S.C. § 3582(c)(1)(B), to have his sentence reduced pursuant to Section 404 of the First Step Act of 2018, which makes retroactive the provisions of the Fair Sentencing Act of 2010, that lowered the mandatory minimum sentences applicable to offenses involving *cocaine base (crack cocaine)*. But Lugo's offenses of conviction—conspiracy to murder in aid of racketeering and murder in aid of racketeering—are not "covered offenses," as defined in Section 404 of the First Step Act. Accordingly, there is no basis to reduce defendant's sentence under 18 U.S.C. § 3582(c)(1)(B).

The motion is denied.

March 4, 2021


Colleen McMahon
Chief Judge